

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY G. TINKER,

No.07-cr-30180-DRH

Defendant.

ORDER

HERNDON, Chief Judge:

Before the Court is a motion to continue trial filed by Defendant Larry G. Tinker (Doc. 69). Defendant argues that new counsel was appointed to represent him on December 9, 2008 and his counsel has had insufficient opportunity to review all of the discovery in this case and explore Defendant's options. To force the Defendant to trial without adequate time to prepare would constitute a miscarriage of justice. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Tinker in a speedy trial. Therefore, the Court **GRANTS** Defendant Tinker's motion to continue trial (Doc. 69) and **CONTINUES** the trial set for February 23, 2009 until **April 6, 2009 at 9:00 a.m.** The time from the date Defendant Tinker's motion was filed, January 14, 2009, until the date on which

the trial is rescheduled, April 6, 2009, is excludable time for the purposes of a speedy trial.

IT IS SO ORDERED.

Signed this 15th day of January, 2009.

/s/ David R. Herndon

Chief Judge
United States District Court